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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,081	02/28/2005	Markus Cornelis Jakobus Lazeroms	NL 020786	8321
24737 7590 03/09/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SUN, XIUQIN				
ART UNIT		PAPER NUMBER		
2863				
MAIL DATE		DELIVERY MODE		
03/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/526,081

**Applicant(s)**

LAZEROMS ET AL.

**Examiner**

XIUQUIN SUN

**Art Unit**

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Regarding claim 3, the phrase "can stand" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 6, 8, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter (U.S. Pat. No. 5479528) in view of Ivanov (U.S. Pub. No. 20040031180).

Regarding claims 1 and 8, Speeter discloses a system and method for identifying a person (Abstract), comprising: detecting a characteristic of pressures, exerted by at

least one foot of the person on a surface (Abstract; col. 3, lines 1-3; col. 9, lines 24-29); storing data for each of a plurality of persons, said data comprising a detected pattern of the characteristic of pressures and an associated person identification code (Abstract; col. 9, lines 29-32); and comparing a detected pattern of the pressure characteristic with pre-stored pattern of the pressures characteristic to find a stored pattern of the pressure characteristic, if any, that matches the detected pattern (Abstract; cols. 2-3, lines 65-3; col. 9, lines 24-32).

Speeter does not mention expressly: said characteristic of pressures is a pressure distribution pattern which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface.

Ivanov discloses a system and method for identifying a person (Abstract), comprising: detecting a pressure distribution pattern which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface (Abstract; section 0044); and comparing a detected pressure distribution pattern with pre-stored pressure distribution patterns until a match of pressures distribution patterns is found (Abstract)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Speeter as taught by Ivanov to characterize the pressures exerted by the person by a distribution of pressure fields on smaller or larger areas using various numbers of pixels, and use the distribution of pressures as a pressure signature profile to perform a pattern match such that the

pattern match includes criteria of not only the outline of the pattern but also any variances in pressure applied over the area (Ivanov, section 0008).

Regarding claim 2, Speeter discloses: the pressure characteristic detecting means comprise a matrix sensor (cols. 2-3, lines 65-3; col. 9, lines 24-32).

Regarding claim 3, Speeter discloses: said surface comprises a platform upon which a person can stand with at least one foot, and wherein the detecting means comprises a pressure detector layer implemented in the platform (Abstract; col. 4, lines 20-26).

Regarding claims 5 and 6, Speeter discloses: a storage medium for storing data (col. 7, lines 3-10); and the processor further comprises a comparator for comparing a detected pressure characteristic pattern with the stored pressure characteristic patterns (Figs. 7 and 8; col. 7, lines 3-10; col. 8, lines 31-40).

Regarding claim 16, Speeter discloses the system and method of identifying a person including the subject matter discussed above except: the method further comprises identifying a user of a weighing device.

Speeter teaches reconfiguring the system and applying the method to implement different devices of intelligent work surfaces (col. 1, lines 67).

In view of the teaching of Speeter, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the method of Speeter to a user of a weighing device as an intended use of the invention. It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 17 and 19, Speeter discloses the method and system, further comprising an act or means of identifying the person according to a person identification code associated with a stored pressure distribution pattern that is found to match the detected pressure distribution pattern of the person (col. 9, lines 29-32, it is well-known that each item of a library system is identified by a cod or an index number).

5. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter in view of Ivanov, as applied to claims 1 and 8 above, and further in view of Wymore (U.S. Pat. No. 6515586).

Regarding claim 4, Speeter in view of Ivanov disclose the system and method including the subject matter discussed above except: the pressure distribution detecting means and step comprise a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts.

Wymore teach a sensory system and method detecting pressure distribution over a surface (col. 2, lines 50-67; col. 9, lines 37-67), including: a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts (col. 2, lines 50-67; col. 5, lines 46-59; col. 9, lines 37-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the combination of Speeter and Ivanov in order to provide a flexible, adjustable in size, accurate and robust sensor surface for detecting footprint of a user (Wymore, col. 2, lines 5-9; col. 10, lines 1-21).

Regarding claims 7 and 9, Speeter in view of Ivanov disclose the system and method including the subject matter discussed above except: said system and method comprises a system and method for identifying a user of a weighing device.

The disclosure of Wymore teaches: said system and method identifying a user of a weighing device (col. 2, lines 50-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the combination of Speeter and Ivanov in order to provide a system and method of detecting pressure distribution that can be adapted for detecting a user of a weighing device (Wymore, col. 2, lines 5-9; col. 9, lines 37-67; col. 10, lines 1-21).

6. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter in view of Ivanov, as applied to claims 1 and 8 above, and further in view of Koelsch (DE 3731773 C).

Regarding claims 18 and 20, Speeter in view of Ivanov disclose the system and method including the subject matter discussed above except: an act or means of determining a weight of the person based on the detected pressure distribution pattern of the person.

Koelsch discloses restricted area entry control counteracts manipulation by using pressure sensors detecting personal features e.g. size, dynamic pressure, profile, including an act or means of determining a weight of the person based on a detected pressure distribution pattern of the person (Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Koelsch in the combination of Speeter and Ivanov in order to provide a system and method for identifying a person of walking through a sensing mat by analyzing or matching the person's biometric data including shoe size, pressure distribution, body weight, etc. (Koelsch, Abstract).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later



than SIX MONTHS from the date of this final action.

***Response to Arguments***

8. Applicant's arguments received 12/29/08 with respect to claims 1-9 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-9 and 16-20 are rejected as new prior art references (U.S. Pub. No. 20040031180 to Ivanov, DE 3731773 to Koelsch) have been found to teach, in combination with other cited prior art references, the claimed invention recited in these claims. Detailed response is given in sections 4-6 as set forth above in this Office action.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. S./  
Examiner, Art Unit 2863

/Tung S. Lau/  
Primary Examiner, Art Unit 2863  
January 30, 2009